

No. 9/5/84-6Lab/5095.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Jai Bharat Diary, Alwar Road, Sohna:—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,  
FARIDABAD

Reference No. 384 of 1983

*between*

SHRI RAM PHAL, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S  
JAI BHARAT DIARY, ALWAR ROAD, SOHNA.

*Present.*—

None for the workman.

Shri M. P. Gupta for the respondent-management.

#### AWARD

This industrial dispute between the workman Shri Ram Phal and the respondent-management of M/s, Jai Bharat Diary, Alwar Road, Sohna has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/GGN/108-83/58349-54, dated 8th November, 1983, under Section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Ram Phal was justified and in order ?  
If not, to what relief is he entitled ?

Present none for the workman. It is 9.15 a. m. Called may a times. It shows that the workman is not interested to pursue his reference. Hence the award is given that no dispute is pending between the parties.

Dated the 24th May, 1985.

R. N. SINGAL,  
Presiding Officer,  
Labour Court, Faridabad.

Endorsement No. 1727, dated 1st June, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act 1947.

R. N. SINGAL,  
Presiding Officer,  
Labour Court, Faridabad.

No. 9/5/84-6Lab/5098.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Breja Engineering Pvt. Ltd., 1/1, Manesar Road, Gurgaon:—

IN THE COURT SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 104 of 1983

*between*

S/SHRI JAI PAL, NAGESHWAR, OM PARKASH, ATTAR SINGH, HARI SINGH, RATTI RAM, MOOL CHAND, MANGAT RAM, LALTA RAM, DHARAM SINGH, RAM VARAN RAI, VASU DEV, DESAI SAHU, JITENDER SINGH, JIWAT SAHU, JOGI RAM, RAM PARVESH, ISHWAR SINGH, UDEY SINGH, SHATRUGHAN, NRAIN SAHU, DEVINDER, OM PARKASH, JAI PARKASH, MADAN LAL, MOHINDER SAHU, OM PARKASH-III, WORKMEN AND THE RESPONDENT-MANAGEMENT OF M/S BREJA ENGINEERING PVT. LTD., 1/1, MANESAR ROAD, GURGAON.

*Present* :—

Shri Dharamvir, for the workman.

Shri Harvinder Singh, for the respondent management.



## AWARD

This industrial dispute between the workmen mentioned above and the respondent management of M/s Breja Engineering Private Ltd., 1/1 Manesar Road, Gurgaon has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/GGN/145/82/10570-75, dated 3rd March, 1983, under section 10(i)(c) of the Industrial Disputes Act, 1947, for adjudication of the industrial dispute. The terms of the reference are :—

Whether the termination of services of above said workmen was justified and in order ? If not, to what relief is he entitled ?

No evidence of the workmen is present and representative of the workmen pleads that he has no instructions. Hence evidence of the workman is closed. All the 27 workmen were not allowed to join duty on 19th November, 1982.

According to the written statement all the workmen were retrenched bonafidely because the working of the factory was not viable. The whole department of the factory in which all the 27 workmen were working was closed down. It is contended that the retrenchment benefits were paid to the workmen through money order, which has been received by the workmen. In support of their contention the management has examined MW-1 Shri Lok Nath who has supported the averments in the written statement and has stated that the retrenchment benefit has been to all the 27 workmen. There is no rebuttal of this evidence, as none of the workmen has appeared inspite of three adjournment. There is no reason to dis-believe the evidence of the management. I, therefore, find that all the workmen were rightly retrenched and they are not entitled to any relief.

The award is given accordingly.

R. N. SINGAL,

Dated the 24th May, 1985.

Presiding Officer,  
Labour Court, Faridabad.

Endorsement No. 1730, dated 1st June, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,

Presiding Officer,  
Labour Court, Faridabad.

The 19th June, 1985

No. 9/5/84-6Lab/5336.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and management of M/s Asian Ceramics Pvt. Ltd., Modern Industrial Estate Bhadurgarh.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 89 of 1977

*between*

SHRI KARTAR SINGH, RATHEE WORKMAN AND THE MANAGEMENT OF M/S ASIAN CERAMICS PVT. LTD., MODERN INDUSTRIAL ESTATE BHADURGARH.

Shri Dhan Singh, A. R. for the workman.

None for the management.



AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between the workman Shri Kartar Singh, Rathee and the management of M/s. Asian Ceramics Private Limited Modern Industrial Estate Bhadurgarh, —vide Labour Department Gazette notification No. ID/RK/469-A-77/28249 dated 29th July, 1977:—

Whether the termination of services of Shri Kartar Singh Rathee was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the workman is that he was employed with the respondent for the last about 4 years on monthly wages of Rs. 450 and that the management took his signatures on his resignation letter under duress and on pain of getting him implicated in a false case on 5.2.77 at about 4.00 p. m. and so the management did not allow him to resume his duties on 7-2-77 and as such, unlawfully terminated his services in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. In the written statement filed by the management the claim of the workman has been controverted. I need not detail the pleas taken by the respondent, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issues were framed on 8th December, 1977:—

Whether Shri Kartar Singh Rathi was employed as a workman within the definition of this term as given in section 2 (s) of the Industrial Disputes Act, 1947?

2. If yes whether the workman resigned his job voluntarily,—vide resignation dated 1st February, 1977 duly accepted and the acceptance conveyed to him?

3. Whether the management made payment to the workman in full and final settlement of his accounts? If yes to what effect?

4. Whether the workman remained gainfully employed in his business after the termination of his service? If yes, to what effect?

5. In case of non proof of issue No. 2 whether the termination of services of Shri Kartar Singh Rathee was justified and in order? If not, to what relief is he entitled?

5. Thereafter the parties went through the gamut of adducing evidence. In the mean time Shri I. S. Dhull, my learned predecessor relinquished charge under orders of the Hon'ble High Court and so after assuming charge I have to issue denouo notices to the parties. The workman appeared but the respondent did not. The workman was given many opportunities to give correct address of the respondent but he failed to furnish the same. Ultimately the learned Authorised Representative of the workman Shri Dhan Singh state that he is not aware of the correct address of the respondent and the workman is not forth-coming to prosecute this claim. In the absence of correct address, service of the respondent cannot be effected. So, this reference is dismissed for non prosecution and answered accordingly. There is no order as to cost.

B. P. JINDAL,

Dated the 30th May, 1985.

Presiding Officer,  
Labour Court, Rohtak.

Endst No. 89/77/881, dated the 13th June, 1985.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,  
Labour Court, Rohtak.